

REMARKS/ARGUMENTS

Upon entry of this amendment, which amends claims 1 and 17-18, and adds new claims 21-26, claims 1-26 will be pending. In the Office Action, the Examiner rejected claims 1-3, 6-9, 11-16, and 20 under 35 U.S.C. §102(e) as being anticipated by Fratkina et al. (U.S. Pub. 2001/0049688, hereinafter "Fratkina"); rejected claims 4-5 under 35 U.S.C. §103(a) as being unpatentable over Fratkina in view of Busey et al. (U.S. Patent No. 6,377,944, hereinafter "Busey"); and rejected claims 10, 17-19 under 35 U.S.C. §103(a) as being unpatentable over Fratkina in view of Marchisio (U.S. Patent No. 6,510,406). Applicants respectfully request reconsideration of the claims in view of the above amendments and comments below.

Claims 1-21

Claim 1 was rejected under 35 U.S.C. §102(e) as being anticipated by Fratkina. Applicants submit that Fratkina does not disclose or suggest every element of claim 1, as amended. For example, Fratkina does not disclose or suggest:

obtaining information from the user about that user's set of target preferences, using direct questions;

associating the set of target preferences with one or more attributes;

determining one or more relative importance values for the one or more attributes based on the obtained information;

generating at least one list of items selected from the item set that will best meet the set of target preferences based on the one or more relative importance values for the one or more attributes. (emphasis added).

Fratkina discloses a method for selecting one or more nodes from a taxonomy to resolve a user request for information. The taxonomy includes nodes that include goals where a dialogue engine 232 navigates through the nodes to determine one or more nodes that resolve a user request for information. *See Fratkina*, pg. 19, column 1, lines 49-67. As answers to

questions are received, dialogue engine 232 traverses a taxonomy of nodes to eliminate nodes based on the answers and the goals for the nodes.

Fratkina does not disclose or suggest determining one or more attributes associated with a set of target preferences and determining relative importance values for the attributes. Claim 1 discloses that a list of items is generated based on the determined one or more attributes and the determined relative importance values. Fratkina does not disclose or suggest assigning a value to the nodes that are determined. Rather, Fratkina is directed towards determining a relevant goal for a question that was asked and eliminating nodes associated with goals that are not relevant. For example, as disclosed in Fig. 11 of Fratkina, a question is posed where a goal for a breakfast node is either eggs or pancakes. The user is asked a question to determine whether the user would like eggs or pancakes for breakfast. Once the goal is determined, eggs in this case, the node for pancakes is eliminated and the node for eggs is selected. Additional questions are then generated that prompt the user to decide on a next set of goals associated with the eggs node. For example, a question is posed to determine if a user would like their eggs scrambled, poached, or benedict. The goal of scrambled is determined in this example and the node of poached or benedict are eliminated. Accordingly, Fratkina does not disclose or suggest relative importance values and determining a list of items based on the values.

Also, it would not have been obvious to assign relative importance values to nodes in Fratkina. Fratkina is directed to determining a set of nodes in the taxonomy for a user's preferences. Accordingly, a list of items is not generated based on determined relative importance values; rather, a list of items is determined based on the traversal of a taxonomy of nodes. The remaining nodes after the taxonomy is traversed are then used to determine a list of items. The traversal of the taxonomy is meant to determine the relevant nodes and it would not have been obvious to assign relative importance values to the nodes in the taxonomy and determine the list of items using the values.

Accordingly, applicants request withdrawal of the rejection of claim 1. Claims 2-21 depend from claim 1 and thus derive patentability at least therefrom. Applicants request withdrawal of the rejection of claims 2-21.

New Claims 22-26

Applicants submit that the cited references do not disclose or suggest every element of new claims 22-26. For example, the cited references do not disclose or suggest updating or specifying a relative importance value for the one or more attributes based on the answer to the question, wherein a relative importance value is updated for an attribute when the attribute was associated with a prior question and specified when the attribute was not associated with a prior question. For example, Fratkina does not disclose or suggest updating a relative importance value for an attribute associated with a prior question. Rather, Fratkina discloses traversing a node structure of a taxonomy and eliminating nodes as the taxonomy is traversed. Thus, Fratkina does not disclose or suggest updating relative importance values for attributes and it would not have been obvious to update relative importance values for nodes in the taxonomy in Fratkina.

CONCLUSION

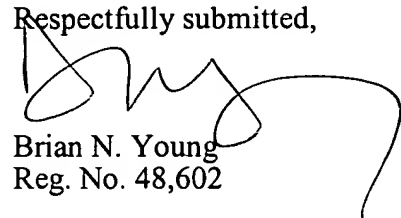
In view of the foregoing, applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Appl. No. 09/923,772
Amdt. dated November 7, 2003
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PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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